

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

TRAVIS JARED PARK, PRO SE,

Plaintiff,

v.

SCOTT BAILEY (in his official capacity as
a Special Agent of the FBI),
CHRISTOPHER WAGNER (in his official
capacity as head of the State of New
Hampshire Police), and
STEVEN RUSSO (in his official capacity
as head of the City of Keene Police,

Defendants.

Civil Action No.: 1:19-CV-991-LM

DEFENDANT STEVEN RUSSO'S MOTION TO DISMISS

Defendant Steven Russo by and through his attorneys, Devine, Millimet & Branch, Professional Association, submits this Motion to Dismiss, stating as follows:

Plaintiff Travis Jared Parker has brought a claim against Defendants pursuant to Federal Rules of Criminal Procedure Rule 41(g) to recover his personal property, which Plaintiff alleges Defendants seized on March 20, 2016.¹ Steven Russo moves for dismissal on the basis that N.H. R.S.A. 508:4 applies to Plaintiff's claims against him, and are therefore time barred by the statute of limitations. The factual and legal basis for the relief requested by this Motion is set forth in the accompanying Memorandum of Law, which is incorporated herein by reference.

WHEREFORE, Steven Russo respectfully requests that this Honorable Court:

A. Dismiss all claims in the Complaint against Steven Russo with prejudice; and

¹ While not relevant to this Motion, Mr. Russo, the City of Keene Police, and the City of Keene do not have, nor have they ever had in their possession, Plaintiff's property.

B. Award such other and further relief this Court deems just and equitable.

Respectfully submitted,

STEVEN RUSSO

By his Attorneys
DEVINE, MILLIMET & BRANCH,
PROFESSIONAL ASSOCIATION

Dated: November 1, 2019

By: /s/ Ashley R. Theodore
Matthew R. Johnson (Bar #13076)
Ashley R. Theodore (Bar # 268090)
111 Amherst Street
Manchester, NH 03105
(603) 669-1000
mjohnson@devinemillimet.com
atheodore@ devinemillimet.com

CERTIFICATE OF SERVICE

I, Ashley R. Theodore, hereby certify that this day I caused a copy of the foregoing to be transmitted to all counsel of record via the Court's Electronic Case Filing system.

Dated: November 1, 2019

/s/ Ashley R. Theodore
Ashley R. Theodore